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MYXER, INC.
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ARISTA RECORDS, LLC, a Delaware
12 limited liability company; *et al.*,

13 Plaintiffs,

14 vs.

15 MYXER INC., f/k/a mVISIBLE
16 TECHNOLOGIES, INC. *et al.*,

17 Defendants.
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Case No.: CV 08-03935 GAF(JCx)

**DEFENDANT MYXER'S NOTICE
OF MOTION AND MOTION FOR
AN *IN CAMERA* REVIEW OF
DOCUMENTS IDENTIFIED IN
VERIZON'S PRIVILEGE LOG**

Date: April 27, 2010

Time: 9:30 a.m.

Judge: Hon. Jacqueline Chooljian

Courtroom: 20 – 3rd Floor of Spring
Street Courthouse

Trial date: None currently set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on April 27, 2010 at 9:30 a.m., or as soon
 3 thereafter that is convenient for the Court, before the Honorable Judge Jacqueline
 4 Chooljian, Defendant Myxer, Inc. (“Defendant” or “Myxer”), will move for an order
 5 allowing an *in camera* review of documents identified non-party Verizon Wireless
 6 Telecom’s (“Verizon”) privilege log entries 21, 22 and 23.

7 Myxer has established that an *in camera* review is appropriate and could
 8 reveal non-privileged information.

9 Based upon a review of the documents at issue, Myxer’s counsel disagrees
 10 that the documents identified in privilege log entries 21, 22 and 23 are protected by
 11 the attorney-client or work product privileges because they do not satisfy the
 12 requisite legal standards to establish either privilege. Accordingly, Myxer
 13 respectfully requests that the Court conduct an *in camera* inspection of the
 14 documents at issue, and if the Court agrees with Myxer that the documents are not
 15 privileged, order that such documents be promptly produced.

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 18 Dated: March 25, 2010 GARTENBERG GELFAND WASSON &
 SELDEN LLP

19 By: /s/ Edward Gartenberg
 20 Edward Gartenberg
 21 Kristin Sciarra
 Attorneys for Defendant MYXER INC.